

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE: :  
DILLEY, MICHAEL M. : Case No. 10-36891  
DILLEY, LISA M. : Chapter 7  
: Judge Lawrence S. Walter  
: Debtors.

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE  
PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtors certain tangible personal property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will receive it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

**October 5, 2011**

*/s/ John Paul Rieser*

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Date of Issuance

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John Paul Rieser, Esq.

**NOTICE OF PROPOSED SALE /DISPOSITION**

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtors in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtors.

The property at issue is a 2004 Saturn Vue (“Vehicle”) scheduled by the Debtors. The Debtors scheduled the value of the Vehicle as \$6,195.00. The Trustee determined the value of the Vehicle to be \$6,450.00 based on the average of the NADA average trade in value (\$4,975.00) and the NADA clean retail value (\$7,925.00). From this value, the Trustee deducted (1) Debtors’ exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,090.00; (2) the average cost of sale amount of \$360.00<sup>1</sup>. The non-exempt equity owed to creditors for the Vehicle is \$2,000.00 and the Debtors have paid this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtors to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

**WHEREFORE**, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

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<sup>1</sup> This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

*/s/ John Paul Rieser*

John Paul Rieser, Trustee  
Rieser & Associates LLC  
7925 Graceland Street  
Dayton, OH 45459-3834  
Phone: (937) 224-4128, Fax: (937) 224-3090  
E-mail: tecfdesk@rieserlaw.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTORS AND OPPORTUNITY TO OBJECT** was served this 5th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Edward J Boll sohbk@lsrlaw.com

Joyce M Deitering JDeitering@aol.com, jragan@bizwoh.rr.com

*/s/ John Paul Rieser*

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John Paul Rieser [lrs/753]

Label Matrix for local noticing  
0648-3  
Case 3:10-bk-36891  
Southern District of Ohio  
Dayton  
Tue Oct 4 13:23:44 EDT 2011

E\*trade  
2730 Liberty Ave  
Pittsburgh, PA 15222-4704

United States Bankruptcy Court  
120 West Third Street  
Dayton, OH 45402-1872

Asst US Trustee (Day)  
Office of the US Trustee  
170 North High Street  
Suite 200  
Columbus, OH 43215-2417

GE Money Bank  
PO Box 960061  
Orlando, FL 32896-0061

GE Money Bank  
c/o Recovery Management Systems Corporat  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

Jennifer Heller  
PO Box 5480  
Cincinnati, OH 45201-5480

Pnc Mortgage  
3232 Newmark Dr  
Miamisburg, OH 45342-5433

Standard Register Fcu  
175 Campbell St  
Dayton, OH 45417-3974

Standard Register Federal Credit Union  
P.O. Box 1167  
Dayton, Ohio 45401-1167

Tom and Natalie Bailey  
141 Meadowrun Rd.  
Englewood, OH 45322

John Paul Rieser  
7925 Graceland Street  
Dayton, OH 45459-3834

Joyce M Deitering  
8801 North Main Street  
Suite 200  
Dayton, OH 45415-1380

Lisa M. Dilley  
807 W. Martindale Rd.  
Union, OH 45322-2925

Michael M. Dilley  
807 W. Martindale Rd.  
Union, OH 45322-2925

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)PNC Bank National Association

End of Label Matrix	
Mailable recipients	14
Bypassed recipients	1
Total	15